



OFFICE OF THE ELECTION OFFICER  
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January 18, 1991

**VIA UPS OVERNIGHT**

Robert K Bastian  
8882 Crooked Oak Lane  
Kannapolis, NC 28081

Conrad D. Sides  
President  
IBT Local Union 71  
5000 N. Tryon St.  
Charlotte, NC 28256

**Re: Election Office Case No. P-291-LU71-MID**

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The Complainant, Robert Bastian, is a shop steward in Local 71 and is currently campaigning for the Teamsters for Reform Slate in the delegate election for the 1991 IBT International Convention. The Teamsters for Reform Slate is opposed by the Conrad Sides Slate, which is headed by the incumbent President of Local Union 71. Mr. Bastian's protest is that he has inaccurately been listed as a supporter of the Conrad Sides Slate in the slate's campaign literature.

The campaign literature in question was a mailing of the Conrad Sides Slate to Local 71 members. One section of the literature states that "the following shop stewards are proud to recommend and support the Conrad Sides Slate." Mr. Bastian is then listed as one of those stewards.

Mr Bastian states that general members have approached him and expressed confusion because he appears to be supporting both sides in the delegate campaign. He also states that he was never contacted by the Sides Slate and asked for his support or endorsement. He points out that at least one steward listed in support is deceased.

Under normal circumstances, the Election Officer does not evaluate the merits or truth or falsity of campaign literature. See National Association of Letter Carriers v. Austin, 418 U S 264 (1974) (uninhibited and robust debate encouraged in labor matters, even allegedly defamatory statements permitted) The policy of encouraging robust and uninhibited debate in the selection of delegates and International Officers of the IBT is

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reflected in the *Rules*, Article VIII, § 6 (g) which prohibits censorship of campaign literature.

This case presents an exception to the norm. The Sides slate has appropriated Mr. Bastian's name without his authorization and indicated he endorsed members he does not endorse.

The Conrad Sides Slate admitted their error and agreed to mail a retraction as herein described. Therefore, the Local Union is directed to mail the attached letter to all members to whom the erroneous first literature was mailed. The cost of preparing, duplicating and mailing such letter shall be borne by the Conrad Sides Slate.

The Conrad Sides Slate will make this mailing within 48 hours of receiving this decision. Within 72 hours thereafter, the Slate shall submit an affidavit to the Election Office affirming that the mailing has been made.

The protest is resolved on the foregoing basis.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D. C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/mca

cc. Frederick B. Lacey, Independent Administrator  
Grant Crandall, Regional Coordinator  
Brad Colesworthy

## **NOTICE TO TEAMSTER LOCAL 71 MEMBERS**

**In a recent mailing, the Conrad Sides Slate listed Mr. Robert Bastian as a shop steward at Consolidated who supported the Conrad Sides Slate.**

**That statement was incorrect. Mr. Bastian does not support the Conrad Sides Slate. Mr. Bastian supports the Rank and File Teamsters for Reform Slate.**

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**Conrad D. Sides on behalf of  
The Conrad Sides Slate**